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Attorneys for Defendant

FILED
DISTRICT COURT

2007 APR -3 AM 9:28

WASHINGTON COUNTY

BY CPS

*Scan 30 Oct 07
Remains Sealed
until hearing of
6 Nov 07.*

30 Oct 07

[Signature]

IN THE FIFTH DISTRICT COURT

WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

PETITION FOR INQUIRY AS TO
DEFENDANT'S COMPETENCY

Case No. 061500526
[Filed Under Seal]

Judge James L. Shumate

The undersigned counsel, pursuant to U.C.A. § 77-15-3, hereby petitions the Court to examine the Defendant's competency to proceed to trial in this matter. The basis of this Petition is set forth as follows:

1. During the Defendant's pretrial detention at the Purgatory Correctional Facility, the Defendant has experienced a substantial weight loss.

2. Although the Defendant's weight has fluctuated, the Defendant has lost in the neighborhood of 30 pounds and presently weighs approximately 130 pounds. The Defendant is 6' 4".

3. Various motions were argued before the Court on March 27, 2007. Throughout the day, it appeared to the undersigned counsel that the Defendant was incapable of understanding what was transpiring in the courtroom.

4. The Defendant was physically frail, feeble, gaunt and emaciated.

5. The Defendant appeared to be detached, confused, and unclear about everything transpiring in court.

6. For example, the Defendant was unable to understand when the Court entered rulings against the Defendant.

7. The Defendant had difficulty staying awake throughout the court proceedings. The Defendant was slumped in his chair and it was widely reported by the news media that the Defendant was unable to hold his head up and drooled at various times throughout the court proceeding.

8. Ms. Isaacson, co-counsel for the Defendant, observed the Defendant to nod off during the proceeding.

9. At times throughout the day when counsel attempted to engage the Defendant in conversation. The Defendant spoke in a slow halting tone of voice with an unusual delay between question and answer, and an unusual delay between his words.

10. The Defendant lacked the mental clarity to engage in meaningful conversation with defense counsel.

11. All three defense counsel believe that the Defendant had great difficulty tracking with the proceedings, difficulty standing, and difficulty with his balance. At one point when the Defendant stood up, one of the bailiffs and defense counsel, Ms. Isaacson, were concerned that the Defendant might fall and injure himself.

12. The Defendant has been diagnosed with major depression, recurrent single episode with severe psychotic features.

13. During the last several months of the Defendant's incarceration, the Defendant has frequently fasted.

14. The combination of malnutrition, sleep deprivation, major depression, and the other stresses involved with incarceration in segregation, and isolation, have contributed to the Defendant's inability to consult with his counsel and to participate in the proceedings with a reasonable degree of rational understanding.

15. The undersigned counsel believes that the impairment and diminished mental capacity has deprived the Defendant of the present capacity to:

- a. engage in a reason choice of legal strategies and options.
- b. manifest appropriate courtroom behavior.
- c. perhaps testify relevantly at the trial in this matter.

I hereby certify that this Petition is being filed in good faith and on the reasonable grounds set forth above.

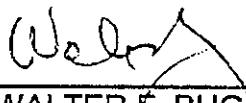
ACCORDINGLY, the Defendant moves this Court to enter an Order pursuant to U.C.A. § 77-15-5 (1994), that the Department of Human Services be appointed to examine Warren Steed Jeffs. The Defendant recommends that the Department select

Eric Nielsen, DSW, 2040 East Murray-Holladay Boulevard, Salt Lake City, Utah 844117,
as one of the mental health experts. The State has no preference.

Finally, pursuant to U.C.A. § 77-15-5, the proceeding shall be stayed pending a
hearing on the Defendant's mental condition.

DATED this 2 day of April, 2007.

BUGDEN & ISAACSON, L.L.C.

By: 
WALTER F. BUGDEN, JR.
TARA L. ISAACSON

WRIGHT, JUDD & WINCKLER
RICHARD A. WRIGHT

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on the 2 day of April, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Brock R. Belnap
Washington County Attorney
178 North 200 East
St. George, UT 84770

☐ HAND DELIVERY
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☒ FACSIMILE:

A handwritten signature in black ink, appearing to read "Brock R. Belnap", is written over a horizontal line.